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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA, SOUTHERN DIVISION

ELMA HENDERSON, an individual,

Plaintiff,

vs.

THOMAS ROBERT HUGHES a/k/a T.R.
HUGHES a/k/a BOB HUGHES,
individually and doing business as certain
entities named herein and as putative trustee
of NORTHSTAR GLOBAL BT and the
ODIN STATUTORY TRUST; LAKE W
HOLDINGS LLC; WESTERN GOLD
COMPANY, LLC; COLINDO
MINERALS, LLC; COLINDO, LTD.;
FRANK A. FINNERTY, as putative trustee
of the COLINDO TRUST and as putative
trustee of the BOB CREEK TRUST; BCT
HOLDINGS LLC; COLTEN METALS
LLC; MISSION MINING COMPANY;
CHERYL BETH HUGHES; CBH
CONSULTING LLC; and DOES 1-100,

Defendants.

**MOTION FOR EXTENSION OF
SCHEDULING ORDER DATES
(Fifth Request)**

Case No. 2:16-cv-01837-JAD-CWH

1 Pursuant to Local Rules IA 6-1 and 26-4, plaintiff Elma Henderson moves the Court for a
2 120-day extension of current deadlines set forth in the Stipulated Discovery Plan and Scheduling
3 Order (ECF No. 80) as extended by the Order of November 30, 2017 (ECF No. 221). This is the
4 fifth such request, the Court having previously granted three extensions of 120 days, 90 days,
5 and 90 days respectively (ECF Nos. 154, 202, 221, 234). The grounds are that defendant T.R.
6 Hughes has just responded to discovery as of June 1, 2018, pursuant to Court order. Plaintiff
7 needs time to absorb the impact of the response, which notably includes Mr. Hughes invoking
8 the Fifth Amendment privilege against self-incrimination. Prior extensions were granted when,
9 after an extended period, the pleadings were not yet closed, the Court had just ruled on
10 outstanding motions, discovery and discovery motions remained to be completed, and the parties
11 had devoted extensive time to settlement discussions.

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14 After threshold motions following the filing of the original complaint in August 2016,
15 plaintiff filed an amended complaint in January 2017 clarifying allegations (for the defendants'
16 benefit) and adding parties. Following motion practice directed to the amended complaint, the
17 Court granted leave to the plaintiff to file a second amended complaint (ECF No. 153), which
18 she did on May 19, 2017 (ECF No. 155). The defendants filed a series of responsive motions,
19 most of which the Court struck and which the defendants then failed to re-file within the time
20 allowed by the Court. Ancillary motions related to the defendants' ability to file out of time or to
21 seek leave to set aside defaults were ruled upon by the Court on January 26, 2018. (ECF No.
22 225.) The ruling denied defendant Hughes' motion to dismiss and required him to file an
23 Answer. In a separate order, the Court also allowed service by publication on the defendant
24 trusts, whose Answer was due by February 28, 2018. (ECF No. 220.)
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1 Meanwhile, plaintiff served comprehensive written discovery requests on Mr. Hughes,
2 which were due in mid-September 2017, via his email address of record with the Court. He did
3 not timely respond. Instead, he claimed not to have received the requests. Plaintiff's counsel
4 gave him an additional 30 days to respond. His responses at that time did not comply with the
5 Court's rules, consisted largely of unmeritorious objections to the merits of the case, and failed
6 to provide relevant information or any documents. Following a meet-and-confer session with
7 plaintiff's counsel, Mr. Hughes promised to remedy the numerous deficiencies by November 13,
8 2017. That date came and went without compliance, and he declined to respond to follow-up
9 communications regarding the same. Following a motion to the Court regarding this recalcitrant
10 behavior in discovery, the Court granted Mr. Hughes until June 1, 2018, to provide discovery
11 responses that complied with the rules. (ECF No. 241.) Mr. Hughes responded on that date by
12 "taking the Fifth."

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15 Because discovery was delayed by the principal defendant's obstructive failure to
16 cooperate, followed by settlement negotiations, and because the plaintiff has just now received
17 discovery responses from the principal defendant with a further refusal to answer, the current
18 timeline needs to be extended so that plaintiff may assess and address the current status of
19 discovery. Meanwhile, expert disclosures are due at the end of this month, with the plaintiff
20 needing additional factual information from discovery to be able to identify and disclose
21 appropriate experts.

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24 Pursuant to Local Rule 26-4, Plaintiff provides the following information relative to the
25 status of discovery and the proposed extension:

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27 (a) A statement specifying the discovery completed: To date, those parties who have
28 answered the complaint and not defaulted have exchanged Initial Disclosures in

1 accordance with Fed. R. Civ. P. 26(a)(1) and this Court's Scheduling Order as
2 amended, and the Plaintiff has served written discovery and taken the deposition of
3 defendant Cheryl Hughes and a short deposition of a third party. Defendant T.R.
4 Hughes has responded in discovery with responses deemed deficient by the Court,
5 with an order to respond pursuant to the rules. In further response, Mr. Hughes
6 invoked the Fifth Amendment privilege against self-incrimination.
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8 (b) A specific description of the discovery that remains to be completed: Plaintiff needs
9 time to assess whether additional discovery may be taken in light of Mr. Hughes'
10 default and/or whether any appropriate motions should be brought to the Court. All
11 other defendants are in default.
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13 (c) The reason why the deadline was not satisfied or the remaining discovery was not
14 completed within the time limits set by the discovery plan: The commencement of
15 discovery was originally continued to allow all parties to be fully in the case. The
16 case involves claims of alter ego and joint liability between defendant T.R. Hughes
17 and his companies. The interrelatedness of the companies calls for discovery of Mr.
18 Hughes and relevant company information simultaneously. Mr. Hughes represents
19 that he is the person with information regarding the same, yet he has refused to
20 provide that information in discovery. Plaintiff has proceeded with such discovery as
21 she can under the circumstances while attempting to move the case forward in light of
22 the defendants' numerous procedural motions and obstructionist approach to
23 discovery. The parties have engaged in extensive settlement negotiations in an
24 attempt to narrow or eliminate issues to be litigated.
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1 (d) A proposed schedule for completing all remaining discovery: For the reasons stated
2 above, plaintiff requests that the current amended scheduling order (ECF No. 234) be
3 amended to reflect the following deadlines, which represent a 120-day extension from
4 the current deadlines:
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6 (1) Expert disclosures: October 25, 2018.

7 (2) Rebuttal expert disclosures: November 23, 2018.

8 (3) Pleading amendment: November 28, 2018

9 (4) Discovery deadline: December 27, 2018.
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11 (5) Dispositive motions: January 28, 2019.

12 (6) Joint Pretrial Order: February 27, 2019.

13 For the reasons set forth above, good cause exists for the granting of this motion. This
14 request is respectfully submitted.
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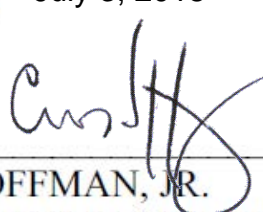
16 DATED this 5th day of June, 2018.

17 STEPHEN K. CHRISTIANSEN, ATTORNEY AT LAW

18
19 By: /s/ Stephen K. Christiansen
20 Stephen K. Christiansen
21 *Attorney for Plaintiff*

22 IT IS SO ORDERED.

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24 DATED: July 3, 2018

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27 C.W. HOFFMAN, JR.
28 UNITED STATES MAGISTRATE JUDGE

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/s/ Stephen K. Christiansen